

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MATTHEW KOTILA, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CHARTER FINANCIAL PUBLISHING
NETWORK, INC.,

Defendant.

Case No. 1:22-cv-00704

Hon. Hala Y. Jarbou

CLASS ACTION

**PLAINTIFF'S MOTION TO CONTINUE THE FILING DEADLINE
SET FOR THE FILING OF PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**

Plaintiff Matthew Kotila, individually and on behalf of all others similarly situated, respectfully moves this Court to continue the filing deadline set for Plaintiff's motion for default judgment for an additional 30 days. *See* ECF No. 17 (“**IT IS FURTHER ORDERED** that Plaintiff shall file his motion for default judgment by **August 16, 2023**) (emphasis in original).

Per the Court's Order conditionally granting Plaintiff's Motion to Certify the Class, ECF No. 17, “Plaintiff is permitted to conduct discovery in accordance with the rules governing non-party witnesses so that Plaintiff can identify the class members for purposes of calculating damages.” ECF No. 17, PageID.659 (citing *Allied Enters., Inc. v. Brillcast, Inc.*, No. 1:15-cv-749, 2015 WL 13122945, at *3 (W.D. Mich. Nov. 17, 2015) (permitting similar discovery in the context of a default)). Plaintiff, while conducting the permitted discovery, has received requests from third-parties for the entry of a protective confidentiality order, as the data which these third parties possess are subject to confidentiality by the relevant governing contracts.

Thus, on July 25, 2023, Plaintiff filed his Motion for Protective Order and moved the Court for entry of a proposed Confidentiality Agreement and Protective Order. ECF No. 18. Following submission of the aforementioned motion, the motion was referred to Magistrate Judge Ray Kent. A hearing on the motion has now been

set for August 22, 2023 (ECF No. 19), or six days after the deadline for Plaintiff to file his motion for default judgment.

In light of the above, Plaintiff brings the present motion to request a continuance of the deadline to file Plaintiff's motion for default judgment insofar as the data which Plaintiffs seeks in the discovery process, through the entry of the requested protective order, is data that is necessary for Plaintiff to identify class members for purposes of calculating damages. *See* ECF No. 17, PageID.659.

WHEREFORE, Plaintiff respectfully requests that this Court continue the filing deadline set for Plaintiff's motion for default judgment for an additional 30 days, and set the new deadline for September 15, 2023.

Dated: August 2, 2023

Respectfully Submitted,

/s/ E. Powell Miller

E. Powell Miller (P39487)

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CLASS ACTION

**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO CONTINUE
THE FILING DEADLINE SET FOR THE FILING OF
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

For Plaintiff's Brief in Support, Plaintiff relies on the contents of his Motion, this Brief in Support (and Plaintiff's Motion for Protective Order and the accompanying exhibit thereto, ECF No. 18).

Dated: August 2, 2023

Respectfully Submitted,

/s/ E. Powell Miller

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 2, 2023, a true and correct copy of the foregoing was served by electronic service via the Court's CM/ECF service on all counsel or parties of record on the service list in the above-entitled action. I further certify that a true and correct copy of the foregoing is being sent this same date to the persons listed below via prepaid first-class U.S. Mail:

- Charter Financial Publishing Network, Inc., c/o Cogency Global, 850 New Burton Road, Suite 201, Dover, DE 19904

/s/ E. Powell Miller

E. Powell Miller